

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 770 final

Brussels, 10th December 1980

PROPOSAL FOR A COUNCIL REGULATION (EURATOM, EEC, ECSC)  
AMENDING THE STAFF REGULATIONS OF OFFICIALS AND THE CONDITIONS OF EMPLOYMENT  
OF OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

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(presented by the Commission to the Council)

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**Proposal for a Council Regulation (Euratom, EEC, ECSC)  
amending the Staff Regulations of Officials and the  
Conditions of Employment of Other Servants of the  
European Communities**

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof;

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Court of Justice;

Whereas Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968<sup>1</sup>, as last amended by Council Regulation (EEC, Euratom, ECSC) No 161/80 of 21 January 1980<sup>2</sup>, lays down in Article 2 the Staff Regulations of Officials and in Article 3 the Conditions of Employment of Other Servants of the European Communities; whereas it is for the Council, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned, to amend the Staff Regulations and the Conditions of Employment;

Whereas certain provisions of the Staff Regulations and of the Conditions of Employment should be amended in line with the recommendations set out in Part Three of the Report by the Independent Review Body chaired by Mr Spierenburg,

HAS ADOPTED THIS REGULATION:

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<sup>1</sup>OJ L 56, 4.3.1968, p.1.

<sup>2</sup>OJ L 20, 26.1.1980, p.5.

CHAPTER ONE

Amendments to the Staff Regulations of Officials of the  
European Communities

Article 1

Article 2 is replaced by the following:

"1. Each institution shall determine who within it shall exercise the powers conferred by the Staff Regulations on the appointing authority:

In respect of officials of the Economic and Social Committee and of the Court of Auditors, the rules of procedure of the Committee and the Court respectively shall determine who shall exercise the powers conferred by the Staff Regulations on the appointing authority.

2. However, two or more institutions may entrust the exercise of the powers conferred on the appointing authority by certain provisions of these Staff Regulations to a common authority, selected within them."

Article 2

At Article 9, the following paragraph 1(a) is inserted after paragraph 1:

"1(a). A Common Joint Committee may be set up by two or more institutions for the purpose of applying certain provisions of these Staff Regulations."

Article 3

Article 29 is amended as follows:

1. Paragraph 1(b) to read:

"(b) whether to hold internal competitions open to established officials of the institution and, for Category C and D posts, to the institution's local staff;"

2. At paragraph 2, the words "and, in exceptional cases, also for recruitment to posts which require special qualifications" are deleted.

3. A new paragraph is added as follows:

"3. A procedure other than the competition procedure may also be adopted by the appointing authority:

- (a) for up to one fifth of the posts to be filled in grade A3, for posts in the grade requiring practical experience outside the institutions; this provision shall be applied by reference to each consecutive series of ten vacant posts, disregarding vacant posts resulting from transfers;
- (b) in exceptional cases, for posts in grades below A3 requiring special qualifications."

Article 3(a)

The second sentence of Article 34(1) is replaced by the following:

"The period shall be twelve months for officials in Category A and the Language Service, nine months for officials in Category B and six months for other officials."

Article 4

A fifth subparagraph is added to Article 59(1), to read as follows:

"However, the appointing authority may, after consulting the institution's Medical Board or, where the institution does not have such a Board, a group of three medical officers of the institutions, refer to the Invalidity Committee the case of any official on sick leave who, following an accident, a sudden illness, an unexpected worsening of an existing disorder or the like, appears to be suffering from a disability or sickness of a type or seriousness likely to cause permanent invalidity."

Article 5

Article 2 of Annex II is replaced by the following:

"The Joint Committee or Committees shall consist of:

- a chairman appointed each year by the appointing authority;
- members and alternates appointed at the same time in equal numbers by the appointing authority or authorities and by the Staff Committee or Committees.

Alternates shall attend meetings only in the absence of the corresponding members. Rules governing membership of a Common Joint Committee shall be adopted by agreement between the institutions represented on the Committee."

Article 6

The first paragraph of Article 3 of Annex II is replaced by the following:

"The Joint Committee shall meet when convened by an appointing authority or at the request of a Staff Committee."

### Article 7

Article 3 of Annex III is replaced by the following:

"The Selection Board shall consist of a chairman, one or more persons appointed by the appointing authority and an official appointed by the Staff Committee, or in the event of a competition common to two or more institutions, by agreement between the Staff Committees of those institutions."

### Article 8

- (1) At Article 10 of Annex VII to the Staff Regulations,  
The words appearing after "180 days" - "or, if the official is a probationer, the period of probation plus one month" - are deleted from paragraph 2(b).
- (2) A new subparagraph (c) is added to paragraph 2, reading as follows:  
"In the case of officials referred to in subparagraph (a) or (b) above who are probationers, the period of probation plus one month."

### Article 9

A new paragraph is inserted between the first and second paragraphs of Article 14 of Annex VIII, reading as follows:

"However, an official retired under the fifth subparagraph of Article 59(1) of the Staff Regulations shall, for a period equivalent to the difference between twelve months and the number of months or portions of months of sick leave taken before retirement during the three-year period prior to referral to the Invalidity Committee, receive an allowance equal to the remuneration he would have received if he had remained in the service, weightings being disregarded. The currency of payment and the weighting applicable to the allowance shall be determined in accordance with Article 82(1) of the Staff Regulations. In this case the right to receive payment of invalidity pension shall have effect from the first day of the calendar month following the month in which the allowance is paid for the last time. The allowance shall be taken into account when Article 70 is applied in the event of the official's death during the period covered by the allowance."

### CHAPTER 2

Amendments to the Conditions of Employment of Other Servants of the Communities

### Article 10

Article 2(a) is replaced by the following:

"(a) staff engaged to fill a post which is included in the list of posts appended to the section of the budget relating to each institution and which the budgetary authorities have classified as temporary:  
- either on account of the nature of the duties involved in the post;  
- or on account of the need to have recourse, for a limited period, to experts with practical experience outside the institutions."

Article 11

The first paragraph of Article 8 is replaced by the following:

"Temporary staff to whom the first indent of Article 2(a) applies may be engaged for a fixed or indefinite period.

Temporary staff to whom the second indent of Article 2(a) applies shall not be engaged for more than three years, and their contracts may be renewed no more than once nor for more than one year. At the end of that time they shall no longer be employed as temporary staff. On the expiry of their contracts they may be assigned to established posts in the institutions only if they are appointed as officials in accordance with the Staff Regulations."

FINAL PROVISIONS

Article 12

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

